

# **EXHIBIT A**

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 LORDSTOWN MOTORS CORP., *et al.*

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 13  
 14 **UNITED STATES DISTRICT COURT**  
 15 **CENTRAL DISTRICT OF CALIFORNIA**

16 KARMA AUTOMOTIVE LLC, a  
 California limited liability company,

17 Plaintiff,

18 v.

19 LORDSTOWN MOTORS CORP., an  
 20 Ohio corporation; STEVE BURNS, an  
 individual, JOHN LEFLEUR, an  
 21 individual, DARREN POST, an  
 individual, RICH SCHMIDT, an  
 22 individual, ROGER J. DURRE, an  
 individual, HONG XIN HUAN  
 23 (A.K.A. "GEORGE" HUAN), an  
 individual, BEI QIN, an individual,  
 24 STEPHEN PUNAK, an individual,  
 CHRISTOPHER KIM, an individual,  
 25 DAN ZHIHONG HUANG, an  
 individual, PUNAK ENGINEERING,  
 26 INC., a California corporation, and  
 DOES 1 through 50, inclusive,

27 Defendants.  
 28

Case No.: 8:20-cv-02104-JVS-DFM

**DEFENDANT LORDSTOWN  
 MOTORS CORP.'S SUGGESTION  
 OF BANKRUPTCY AND NOTICE OF  
 AUTOMATIC STAY**

Complaint Filed: October 30, 2020

Trial Date: September 5, 2023

1 TO ALL PARTIES AND ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that, on June 26, 2023 (the “Petition Date”),  
3 Defendant Lordstown Motors Corp. and certain of its affiliates (collectively, the  
4 “Debtors”) each filed voluntary petitions for relief under chapter 11 of title 11 of  
5 the United States Code, 11 U.S.C. §§ 101, et seq. (the “Bankruptcy Code”), in the  
6 United States Bankruptcy Court for the District of Delaware (the “Bankruptcy  
7 Court”), which chapter 11 cases are being jointly administered under case number  
8 23-10831 (the “Chapter 11 Cases”). A true and correct copy of the Notice of  
9 Bankruptcy Case Filing is attached hereto as Exhibit A.

10 PLEASE TAKE FURTHER NOTICE that pursuant to section 362(a) of the  
11 Bankruptcy Code, the commencement of the chapter 11 cases operates as a stay  
12 (the “Automatic Stay”) applicable to all of the Debtors of, among other things, “the  
13 commencement or continuation, including the issuance or employment of process,  
14 of a judicial, administrative or other action or proceeding against the debtor that  
15 was or could have been commenced before the commencement of the case under  
16 this title, or to recover a claim against the debtor that arose before the  
17 commencement of the case under this title.” 11 U.S.C. § 362(a)(1). As such,  
18 prosecution of any and all claims asserted against LMC in the above-captioned  
19 action, including all pre-petition discovery, is subject to the Automatic Stay.

20 PLEASE TAKE FURTHER NOTICE that the Automatic Stay also protects  
21 property of the Debtors’ estates, as defined by section 541(a) of the Bankruptcy  
22 Code, by prohibiting “any act to obtain possession of property of the estate or of  
23 property from the estate or to exercise control over property of the estate.” *Id.* §  
24 362(a)(3); *A.H. Robins Co. v. Piccinin*, 788 F.2d 994, 1001 (4th Cir. 1986)  
25 (“Subsection (a)(3) directs stays of any action, whether against the debtor or third-  
26 parties, to obtain possession or to exercise control over property of the debtor.”  
27 (emphasis in original)). The Debtors have an obligation to indemnify and defend  
28 its current and former directors and officers, including some or all of the

1 individually named defendants in this action, (together, the “Indemnified  
 2 Defendants”), in any action or proceeding arising from their positions with LMC.  
 3 Accordingly, any action against the Indemnified Defendants constitutes an “act to  
 4 obtain” property of the Debtors’ estates, including proceeds of the Debtors’ shared  
 5 liability insurance coverage, and is subject to the Automatic Stay. *See A.H. Robins*,  
 6 788 F.2d at 1001–02 (“[A]ctions ‘related to’ the bankruptcy proceedings against the  
 7 insurer or against officers or employees of the debtor who may be entitled to  
 8 indemnification . . . or who qualify as additional insureds under the policy are to be  
 9 stayed under section 362(a)(3).”).

10 PLEASE TAKE FURTHER NOTICE that actions taken in violation of the  
 11 Automatic Stay are void and may subject the person or entity taking such action to  
 12 the imposition of sanctions by the Bankruptcy Court.

13 If you have any questions regarding this notice, please contact the  
 14 undersigned.

15 Dated: June 26, 2023

Respectfully Submitted,

**BAKER & HOSTETLER LLP**

19 By: /s/ Scott C. Holbrook  
 20 Scott C. Holbrook (*Pro Hac Vice*)

21 *Attorneys for Defendants*  
 22 LORDSTOWN MOTORS CORP., *et al.*